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6 *Attorney for Eduardo Aguilar*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 *v.*

12 EDUARDO AGUILAR and KEVIN ORTIZ,

13 Defendants.

Case No.: 2:24-mj-00222-NJK

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**

(FOURTH REQUEST)

14 IT IS HEREBY STIPULATED AND AGREED, by and between JASON M.
15 FRIERSON, United States Attorney, and DANIEL J. COWHIG, Assistant United States
16 Attorney, counsel for the United States of America, RICHARD E. TANASI, ESQ., counsel for
17 defendant EDUARDO AGUILAR, and THOMAS ERICSSON, ESQ., counsel for defendant
18 KEVIN ORTIZ that the Preliminary Hearing currently scheduled on **June 25, 2024**, be vacated
19 and continued to a date and time convenient to the Court, but no sooner than sixty (60) days.

20 This stipulation is entered into for the following reasons:

21 *///*

22 *///*

1 1. The defendants are in custody and consent to an extension of the time for a
2 preliminary hearing.

3 2. The parties need additional time to prepare for the preliminary hearing.

4 3. Continuance of the preliminary hearing will serve public interest in the prompt
5 disposition of criminal cases by allowing counsel for the defendant an opportunity to engage
6 government counsel regarding potential resolution prior to a likely indictment in this matter.

7 4. The additional time requested herein is not sought for purposes of delay.

8 5. The extension requested by this stipulation is allowed with the defendant's
9 consent under the Federal Rules of Criminal Procedure 5.1 (d).

10 6. Denial of this request for continuance could result in a miscarriage of justice.
11 The additional time requested by this Stipulation is excludable in computing the time within
12 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
13 code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
14 Section 3161(h)(7)(B)(i), (iv).

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7. This is the *fourth* request for an extension of the time for the preliminary hearing.

DATED this 21st day of June 2024.

Respectfully Submitted,

RICHARD E. TANASI, ESQ.

JASON M. FRIERSON
United States Attorney

/s/ Richard Tanasi

Richard E. Tanasi, Esq.
Counsel for Defendant
Eduardo Aguilar

/s/ Daniel J. Cowhig

Daniel J. Cowhig
Assistant United States Attorney

THOMAS A. ERICSSON, ESQ.

/s/ Thomas Ericsson
Thomas A. Ericsson, Esq.
Counsel for Defendant
Kevin Ortiz

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:24-mj-00222-NJK

Plaintiff,

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

V.

EDUARDO AGUILAR and KEVIN ORTIZ,

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice served:

1. The defendants are in custody and consents to extension of the time for a preliminary hearing.

2. The parties need additional time to prepare for the preliminary hearing.

3. Continuance of the preliminary hearing will serve public interest in the prompt disposition of criminal cases by allowing counsel for the defendant an opportunity to engage government counsel regarding potential resolution prior to a likely indictment in this matter.

4. The additional time requested herein is not sought for purposes of delay.

5. The extension requested by this stipulation is allowed with the defendant's consent under the Federal Rules of Criminal Procedure 5.1 (d).

6. Denial of this request for continuance could result in a miscarriage of justice.

The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States

1 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
2 Section 3161(h)(7)(B)(i), (iv).

3 7. This is the second request for an extension of the time for the preliminary hearing.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendant in a speedy trial, since the failure to grant said continuance would be
7 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
8 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
9 account the exercise of due diligence. The continuance sought herein is excludable under the
10 Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering
the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

11 **ORDER**

12 IT IS ORDERED that the Preliminary Hearing currently scheduled for June 24,
13 2024, at 4:00 p.m., is CONTINUED to August 22, 2024, at 4:00 p.m.

14 DATED: June 21, 2024.

15 
16 HONORABLE NANCY J. KOPPE
17 UNITED STATES MAGISTRATE JUDGE

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